
**Select Committee on Hood Canal
Committee**

HB 2086

Brief Description: Authorizing extension or expansion of sewage treatment systems in rural areas when necessary to address Hood Canal concerns.

Sponsors: Representatives McCoy, Eickmeyer, Chase, Wallace, Blake, Linville, Morrell, Upthegrove, Appleton and Hunt.

Brief Summary of Bill

- Authorizes extensions or expansions of sewer systems in rural areas in certain circumstances within the aquatic rehabilitation zone designated in HB 2081.
- Specifies conditions for extension or expansion of sewer systems in rural areas within the designated aquatic rehabilitation zone.
- Requires the Puget Sound Action Team to assess the effectiveness of nitrogen treatment by currently approved and alternative on-site sewage treatment technologies.

Hearing Date: 2/24/05

Staff: Caroleen Dineen (786-7156).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA requires counties (and their cities) meeting certain population and growth criteria to plan under the GMA's major requirements and allows others to choose to plan under the major requirements (these are referred to collectively as "GMA jurisdictions"). Currently, 29 of the 39 counties (and their cities) in Washington are GMA jurisdictions.

Both GMA jurisdictions and non-GMA jurisdictions must satisfy certain GMA requirements. All counties and cities must designate and protect critical areas, which include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. In addition, all must designate natural resource lands, including agricultural, mineral, and forest lands.

GMA jurisdictions must adopt internally consistent comprehensive plans, which are generalized, coordinated land use policy statements. Comprehensive plans must include certain elements, such

as land use, rural, utilities, and transportation elements. GMA jurisdictions also must adopt development regulations that are consistent with and implement the comprehensive plan. GMA jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a seven-year statutory schedule.

Among other requirements, GMA jurisdictions must designate urban growth areas (UGAs), which are areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. "Urban growth" is defined in the GMA to include growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for certain agricultural, mineral, rural, and natural resources uses.

The GMA specifies that, in general, it is not appropriate to extend or expand urban governmental services in rural areas except in limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development. The term "urban governmental services" is defined in the GMA to include those public services and public facilities at an intensity historically and typically provided in cities. The definition specifically includes storm and sanitary sewer systems.

Summary of Bill:

Sewer systems may be extended to or expanded in rural areas within aquatic rehabilitation zone one (ARZ One) as designated in HB 2081. ARZ One includes the watersheds that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County. Municipal sewer systems and community sewage collection and treatment facilities may be constructed in or extended to rural areas in ARZ One in which:

- clusters of high-density development are present;
- water quality problems associated with discharge of nutrients from on-site sewage treatment systems have been documented; and
- the treatment efficiency of existing on-site sewage treatment systems is poor.

Systems and facilities constructed in or extended to rural areas in ARZ One must include nitrogen removal treatment capability when practicable. Consistent with the GMA's requirements for extension or expansion of urban governmental services in rural areas, these systems and facilities must be financially supportable at rural densities and conditioned to prohibit service of urban development. Systems and facilities meeting these conditions satisfy the GMA's urban governmental services in rural areas provisions.

The Puget Sound Action Team (PSAT) must assess the effectiveness of nitrogen treatment provided by currently approved and alternative on-site sewage treatment technologies. The PSAT may consult with federal, state, tribal, and local agencies in conducting the assessment. By December 1, 2005, the PSAT must submit a report documenting its findings to the appropriate committees of the Legislature.

Appropriation: None.

Fiscal Note: Requested on 2/17/2005.

Effective Date: The bill contains an emergency clause and takes effect immediately.